

ARTICLE 2. SAFE SCHOOL CLIMATE ACT

SECTION 59-63-110. Citation of article. [SC ST SEC 59-63-110]

This article may be cited as the "**Safe School Climate Act**".

SECTION 59-63-120. Definitions. [SC ST SEC 59-63-120]

As used in this article:

(1) "Harassment, intimidation, or bullying" means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or

(b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(2) "School" means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.

SECTION 59-63-130. Prohibited conduct; reports by witnesses. [SC ST SEC 59-63-130]

(A) A person may not engage in:

(1) harassment, intimidation, or bullying; or

(2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

SECTION 59-63-140. Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs. [SC ST SEC 59-63-140]

(A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students,

administrators, and community representatives in the process of creating the policy.

(B) The policy must include, but not be limited to, the following components:

- (1) a statement prohibiting harassment, intimidation, or bullying of a student;
- (2) a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59-63-120;
- (3) a description of appropriate student behavior;
- (4) consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;
- (5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;
- (6) procedures for prompt investigation of reports of serious violations and complaints;
- (7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;
- (8) consequences and appropriate remedial action for persons found to have falsely accused another;
- (9) a process for discussing the district's harassment, intimidation, or bullying policy with students; and
- (10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's

publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

SECTION 59-63-150. Availability of civil or criminal redress; immunity of reporting school employee or volunteer. [SC ST SEC 59-63-150]

(A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from failure to remedy the reported incident.

Model Policy Prohibiting Harassment, Intimidation or Bullying

Purpose

The Model Policy Prohibiting Harassment, Intimidation or Bullying has been developed in compliance with 2006 S.C. Act 353 (to be codified at S.C. Code Ann. 59-63-110, et.seq.). This act requires each local school district to adopt a policy prohibiting harassment, intimidation, or bullying at school.

This model policy is provided for use by school districts as a possible guide for the development of policies for the prevention of harassment, intimidation or bullying that are applicable to grades kindergarten through twelve. The local school board should ensure that the school district's policy is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

The wording in this model policy was adapted from the New Jersey Department of Education's, "Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, At School Sponsored Functions and on School Buses (Revised April 2006)". The document was accessed from the following Web site, <http://www.nj.gov/njded/parents/bully.htm>.

1. Statutory Requirement

The policy must include a statement prohibiting harassment, intimidation or bullying of a student.

Model Policy Language

The district board of trustees prohibits acts of harassment, intimidation or bullying. The district board of trustees has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying.

2. Statutory Requirement

The policy must include a definition of harassment, intimidation or bullying no less inclusive than the definition in Section 59-63-120.

Model Policy Language

The district board of trustees establishes that "harassment, intimidation or bullying" means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that takes place on school property, at any school-sponsored function where the school is responsible for the child or on a school bus or other school-related vehicle, at an official school bus stop and that:

- a) a reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student, physically or emotionally, or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- b) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

3. Statutory Requirement

The policy must include a description of appropriate student behavior.

Model Policy Language

The district board of trustees expects students to conduct themselves in keeping with the district's standard for student behavior with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment.

The district board of trustees believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

The district board of trustees believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to grow in self-discipline.

4. Statutory Requirement

The policy must include consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation.

Model Policy Language

The district board of trustees requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment, intimidation or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment, intimidation or bullying.

Factors for Determining Consequences

- Age, developmental and maturity levels of the parties involved;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

Environmental

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation.

Examples of Consequences and Remedial Measures

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to

the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the district board of trustee's approved code of student conduct. Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; and protect the victim of the act. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- Out-of-school suspension;
- Legal action; and
- Expulsion.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Mediation;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions;
- Behavioral assessment or evaluation as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school disciplinarian;
- Student counseling;
- Parent conferences;
- Student treatment; or
- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys for determining the conditions contributing to harassment, intimidation or bullying;
- School culture change;
- School climate improvement;
- Adoption of research-based, systemic bullying prevention programs;

- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Targeted use of monitors (e.g., hallway, cafeteria, bus);
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Recommendations of a student behavior or ethics council;
- Peer support groups; and
- Law enforcement (e.g., school resource office, juvenile officer) involvement

5. Statutory Requirement

The policy must include a procedure for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint.

Model Policy Language

The district board of trustees requires the principal or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. While submission of a written report is not required, the reporting party is encouraged to submit a written report. Oral reports also shall be considered official reports; however the principal or the principal's designee should document the oral report for the schools' records. Reports may be made anonymously, but formal disciplinary action must not be based solely on the basis of an anonymous report. If requested, the identity of the victim will be protected to the extent allowed by law.

6. Statutory Requirement

The policy must include a procedure for prompt investigation of reports of serious violations and complaints.

Model Policy Language

The district board of trustees requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of each alleged incident.

7. Statutory Requirement

The policy must include a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation or bullying.

Model Policy Language

The district board of trustees prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying. The administrator shall determine the consequence and appropriate remedial action for a person who engages in reprisal or retaliation after consideration of the nature, severity and circumstances of the act, in accordance with law, policies and procedures.

8. Statutory Requirement

The policy must include consequences and appropriate remedial action for persons found to have falsely accused another.

Model Policy Language

The district board of trustees prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. The consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another, as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and contracts. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature,

severity and circumstances of the act, including reports to appropriate law enforcement officials.

9. Statutory Requirement

The policy must include a process for discussing the district's harassment, intimidation, or bullying policy with students.

Model Policy Language

The district board of trustees requires the principal to develop an annual process for discussing the school district policy on harassment, intimidation and bullying with students, which may include student assemblies, guidance counselor or school resource officer group sessions, etc.

10. Statutory Requirement

The policy must include a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions.

Model Policy Language

The district board of trustees requires the superintendent to annually disseminate the policy to all school staff, students and parents, along with a statement explaining that it applies to all applicable acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions, on a school bus or other school-related vehicle, at an official school bus stop or at another program or function where the school is responsible for the child.